
TITLE 935 INDIANA WHITE RIVER STATE PARK DEVELOPMENT COMMISSION

Proposed Rule
LSA Document #17-214

DIGEST

Adds 935 IAC to set forth rules governing the operation of White River State Park. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

935 IAC

SECTION 1. 935 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 935 INDIANA WHITE RIVER STATE PARK DEVELOPMENT COMMISSION

ARTICLE 1. PARK OPERATIONS

Rule 1. Definitions

[935 IAC 1-1-1](#) Definitions

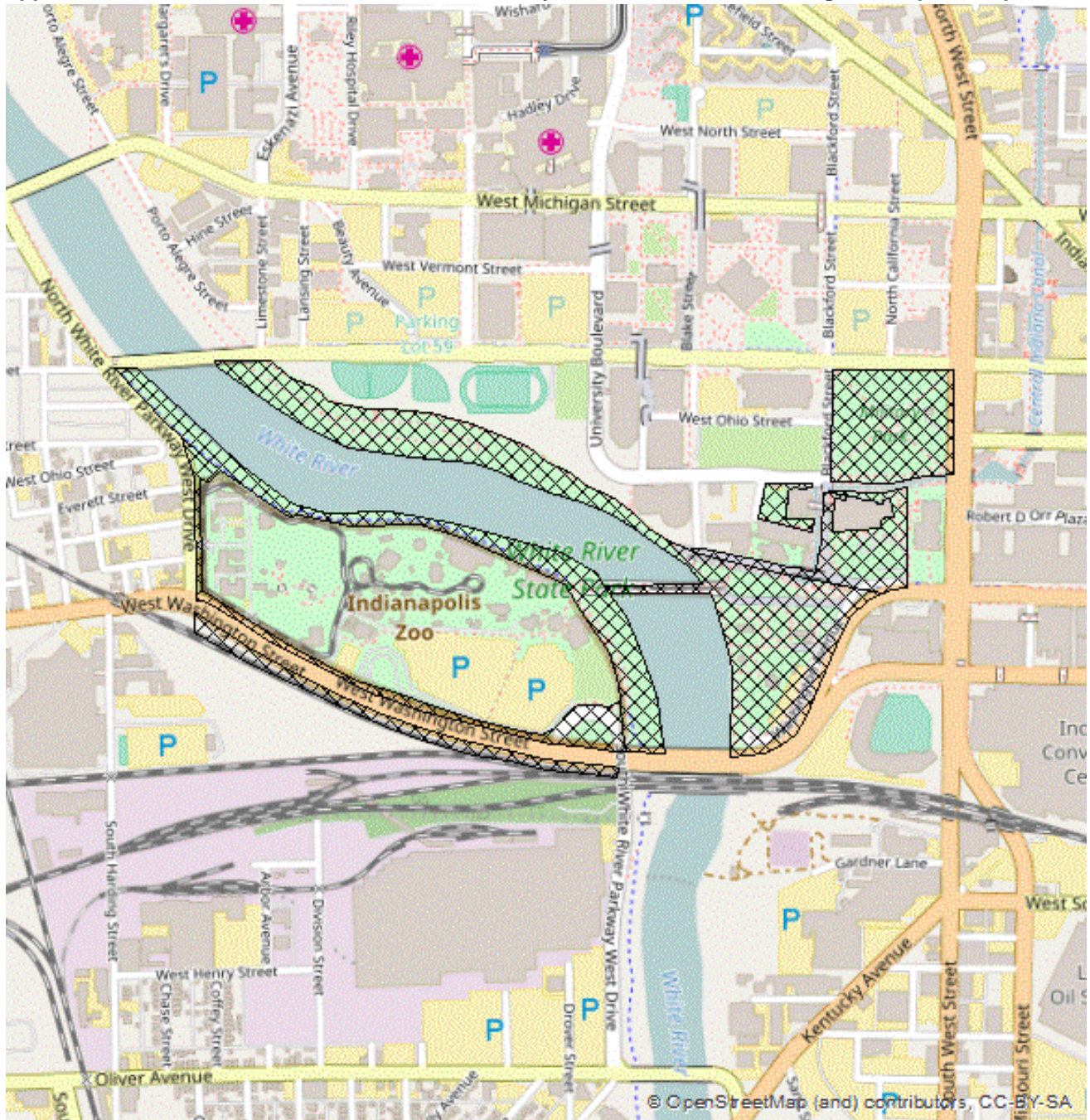
Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#); [IC 22-11-14-1](#); [IC 35-31.5-2-86](#); [IC 35-43-2-2](#)

Sec. 1. The following definitions apply throughout this article:

- (1) "Authorized private event" means a gathering, not open to the general public, whose event application has been approved by the commission or its authorized designees.
- (2) "Authorized public event" means a concert or other function, whether ticketed or free, occurring at the park pursuant to a sponsorship or contractual arrangement between the park and a third party, or with the prior written consent of the commission or its authorized designees.
- (3) "Commission" means the Indiana White River state park development commission created as a body corporate and politic under [IC 14-13-1-5](#).
- (4) "Deadly weapon" has the meaning set forth in [IC 35-31.5-2-86](#).
- (5) "Excluded locations" include the following:
 - (A) The Indianapolis Zoo, and structures and land under its control.
 - (B) The National Collegiate Athletic Association Headquarters and Hall of Champions and the land under its control.
 - (C) The Indiana State Museum and the land under its control.
 - (D) The Eiteljorg Museum and the land under its control.
 - (E) Victory Field and the land and structures under the control of Indians, Inc.
 - (F) Public sidewalks, trails, paths, and walkways (which include the cultural trail along Washington Street) under the control of the city of Indianapolis.
- (6) "Firework" and "consumer firework" have the meanings set forth in [IC 22-11-14-1](#).
- (7) "Park" means, for the purpose of this article, the real property, structures, improvements, and fixtures held by the commission in the name of the state and commonly known as White River State Park. The park's perimeter is described generally as follows: Starting on West Washington Street at California Street (the street leading into the State Museum), west along Washington Street to White River Parkway, West Drive, then north to New York Street; at New York Street, south on the south side of White River between the White River (Wapahini) Trail to Washington Street; at New York Street, south on the north side of White River from the White River (Wapahini) Trail to Blake Street, north on Blake Street to the walkway at the rear of the NCAA Headquarters Building, east along the walkway to Geisendorf Street, north on Geisendorf Street to Wabash Street (University Boulevard), east on Wabash Street to Blackford Street, north on Blackford Street to New York Street, east on New York Street to West Street, south on West Street to Washington Street, west on Washington Street to California Street, excepting out the excluded locations. The park includes the pedestrian bridge over

White River, the IMAX® Theater at the Indiana State Museum, the surface parking lots, the parking garage, the Canal Walk west of West Street, the Congressional Medal of Honor Memorial, and Military Park. The park also means, for the purpose of this article, the real property on the south side of Washington Street starting at the entrance of South White River Parkway, West Drive, west along Washington Street to the railroad tracks, then east along the north side of the railroad tracks to a point opposite the entrance of South White River Parkway, West Drive. The following is a map of the park:



(8) "Proper enforcement authority" means the following:

- (A) An officer of the Indiana state police.
- (B) An officer of the capitol police.
- (C) Any other sworn Indiana law enforcement officer.
- (D) Security personnel with law enforcement authority hired by the commission for the purpose of protecting its property interests or those of its tenants or for ensuring the safety of the public on such property.

(9) "Skateboard" means a motorized or nonmotorized device consisting of two (2) or more wheels affixed to a platform or footboard upon which a rider stands and that does not have steering capability similar to that of a bicycle or brakes that operate on or upon the wheels of the skateboard. It also

includes every device generally recognized as a skateboard.

(10) "Skateboarding" means skateboard riding, including standing with one (1) or both feet touching a skateboard or doing handstands with one (1) or both hands touching a skateboard, or sitting, crouching, or lying upon a skateboard while it is in motion.

(11) "Sponsor" means a promoter, organizer, or manager of any authorized public event or of any authorized private event.

(12) "Trespasser" means a person committing criminal trespass as defined in [IC 35-43-2-2](#).

(Indiana White River State Park Development Commission; [935 IAC 1-1-1](#))

Rule 2. General Applicability

[935 IAC 1-2-1](#) Applicability

Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#)

Sec. 1. This article applies to the park. This article does not apply to excluded locations.

(Indiana White River State Park Development Commission; [935 IAC 1-2-1](#))

[935 IAC 1-2-2](#) Signage

Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#)

Sec. 2. The executive director of the park may post such signs at the park and on the park's website as are necessary to advise the general public of the provisions of this article.

(Indiana White River State Park Development Commission; [935 IAC 1-2-2](#))

Rule 3. Park Hours

[935 IAC 1-3-1](#) Park hours

Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#)

Sec. 1. The park is open to the general public daily from 5 a.m. to 11 p.m. No person shall be permitted within the park between 11 p.m. and 5 a.m. except as provided under section 2 of this rule.

(Indiana White River State Park Development Commission; [935 IAC 1-3-1](#))

[935 IAC 1-3-2](#) Exceptions; persons permitted to be in the park after hours

Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#)

Sec. 2. The following are excepted from the prohibition of being in the park between 11 p.m. and 5 a.m.:

(1) Persons transiting the park on its paved walkways.

(2) Employees, contractors, or other duly authorized agents of the following:

(A) The commission.

(B) A proper enforcement authority.

(C) Utility companies authorized to be in the park during their course of business.

(D) Private companies, including concert promoters, authorized to be in the park for a specific purpose.

(E) A federal, state, or local governmental entity authorized to be in the park for a specific purpose.

(F) An entity owning or operating an excluded location, when such employee, contractor, or other duly authorized agent is engaged in the necessary performance of his or her duties at an excluded

location.

(3) Persons who are transiting the park to reach a vehicle located in the park's garage or parking lots or who are in a vehicle exiting the park's garage or lots.

(4) Persons attending a public or a private event, whether at the park or at an excluded location, up to one (1) hour after the event has concluded.

(Indiana White River State Park Development Commission; [935 IAC 1-3-2](#))

[935 IAC 1-3-3](#) Hours of operation – enforcement

Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#); [IC 35-43-2-2](#)

Sec. 3. A person in the park in violation of this rule shall be deemed a trespasser and may be asked to leave by a park employee, an agent of the park, or a proper enforcement authority. Refusal or failure to leave may result in criminal prosecution.

(Indiana White River State Park Development Commission; [935 IAC 1-3-3](#))

Rule 4. Deadly Weapons

[935 IAC 1-4-1](#) Deadly weapons prohibited at certain events

Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#); [IC 35-47-11.1-4](#)

Sec. 1. A sponsor of any authorized public event or authorized private event may utilize screening and weapons detection procedures at any point of entry into the event for identifying and prohibiting deadly weapons or knives from being brought, or attempting to be brought, into the event. Such screening shall be at the sponsor's expense.

(Indiana White River State Park Development Commission; [935 IAC 1-4-1](#))

[935 IAC 1-4-2](#) Enforcement

Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#); [IC 35-47-11.1-4](#)

Sec. 2. A person who refuses to comply with the sponsor's procedures or insists upon admittance to the event having been denied access as a result of the screening and weapons detection procedures may be informed the person is a trespasser to the event. Continued insistence on admission may result in criminal prosecution.

(Indiana White River State Park Development Commission; [935 IAC 1-4-2](#))

Rule 5. Other Regulated Activities

[935 IAC 1-5-1](#) Prohibited activities

Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#)

Sec. 1. The following are prohibited at the park:

(1) Skateboarding except transiting the park on its paved walkways.

(2) Motorized vehicles except in designated parking areas. The following are not subject to this prohibition:

(A) Motorized vehicles owned or operated by the park or its personnel or by any proper enforcement authority.

(B) Electric personal assistive mobility devices (Segways).

(C) Motorized wheelchairs.

(3) Fireworks or consumer fireworks.

(4) Biking or rollerblading off park paths or bikeways.

(5) Animals off of a leash or on a leash over six (6) feet in length.

(Indiana White River State Park Development Commission; [935 IAC 1-5-1](#))

[935 IAC 1-5-2](#) Activities requiring prior written approval and only permitted at authorized private events or authorized public events

Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#)

Sec. 2. The following require prior written approval from the commission or its authorized designee, which approval shall be given only for authorized private events or authorized public events:

(1) Signage, banners, or marketing materials affixed to any part of park property.

(2) Grills, cook stoves, or any other use of fire or open flame.

(3) Tents, enclosures, risers, staging, or other temporary structures.

(4) Using a newly seeded lawn.

(5) Camping.

(6) Loudspeakers, microphones, or other amplified sound devices.

(7) Selling goods or services other than by a park-licensed concessionaire.

(Indiana White River State Park Development Commission; [935 IAC 1-5-2](#))

[935 IAC 1-5-3](#) Enforcement

Authority: [IC 14-13-1-42](#)

Affected: [IC 14-13-1](#); [IC 35-43-2-2](#)

Sec. 3. A person engaging in an activity prohibited by this rule who does not stop doing so upon request by a park employee, an agent of the park, or a proper enforcement authority shall be deemed a trespasser. Refusal or failure to cease the activity may result in criminal prosecution.

(Indiana White River State Park Development Commission; [935 IAC 1-5-3](#))

[Notice of Public Hearing](#)

Posted: 10/04/2017 by Legislative Services Agency

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